

TO: The Honorable Board of Supervisors

FROM: F. Craig Meadows, County Administrator
L. Carol Edmonds, Assistant County Administrator

DATE: August 22, 2011

SUBJECT: AGENDA REPORT

I. CALL TO ORDER

II. INTO CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711 (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body
1. New Blacksburg High School Property
 2. Old Blacksburg Middle School Property
- (29) Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body
1. Discussion of Bond Counsel
- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
1. County Administrator's Annual Review

III. OUT OF CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

IV. CERTIFICATION OF CLOSED MEETING

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

NAYS

ABSENT DURING VOTE

ABSENT DURING MEETING

V. INVOCATION

VI. PLEDGE OF ALLEGIANCE

VII. PRESENTATION

2011 Montgomery County Dixie Ozone District 3 Champions

The ozone all-star team won the 2011 District 3 tournament held at Veteran's Park in Radford between July 9-14, 2011.

Congratulations to everyone involved. The team is comprised of Dylan Akers, Ryan Albert, Tanner DeHart, Cole Epperly, Shawn Ferrell, Jake Garren, Trenton Harding, Aaric Huff, Lukas Matthews, Hunter Perkins, Adam Quesenberry, Logan Shepherd, Austin Kirtner and Eli Franklin. The team was managed by David Harding and he is assisted by Alan Ferrell, Jon Akers and Tim Quesenberry.

VIII. DELEGATION

A. SUBJECT: ANIMAL MANAGEMENT ISSUES

Animal Management Issues

The following agencies will update the Board on their program for animal management:

1. Mountain View Humane –Waldron-Ricci Spay Neuter Clinic (Kelly Cass)
2. Friends of Animal Care and Control (Jason Shelton)

B. SUBJECT: COUNTY COURTHOUSE UPDATE

Montgomery County Courthouse – Construction Update

Ron Riquelmy, Project Manager with ARCADIS, US, Inc., will update the Board of Supervisors on the construction progress of the new courthouse.

IX. INTO WORK SESSION

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. American Electric Power – Falling Branch-Merrimac 138 kV Transmission Line (TAB A)

X. OUT OF WORK SESSION

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

XI. PUBLIC ADDRESS

XII. ADDENDUM

XIII. CONSENT AGENDA

XIV. NEW BUSINESS

**A. SUBJECT: PERSONAL PROPERTY TAX RELIEF
PERCENTAGE FOR 2011**

**R-FY-12
RESOLUTION ESTABLISHING THE
PERSONAL PROPERTY TAX RELIEF
PERCENTAGE FOR 2011**

WHEREAS, The Personal Property Tax Relief Act of 1998, Virginia Code §58.1-3523, et seq. ("PPTRA"), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act, hereinafter cited as the "2005 Appropriations Act"); and

WHEREAS, These legislative enactments required the County of Montgomery, Virginia, to take affirmative steps to implement these changes and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

WHEREAS, These legislative enactments provide for the appropriation to the County of Montgomery, Virginia, commencing in 2006, of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax ("PPT") on such vehicles and provide the opportunity for the County of Montgomery, Virginia, to fashion a program of tax relief that serves the best interest of its citizenry; and

WHEREAS, The Board of Supervisors adopted an ordinance to implement the changes to PPTRA affected by legislation adopted during the 2004 Special Session I and the 2005 Regular Session of the General Assembly of Virginia on November 28, 2005.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the rate of 100% of relief shall be applied to each qualifying vehicle valued at \$1,000 or less and that the rate of 54.16% shall be applied to the first \$20,000 in value of each qualifying vehicle with a value above \$1,000. Those rates of relief are estimated to exhaust PPTRA relief funds available to the County of Montgomery, Virginia, by the Commonwealth of Virginia for Tax Year 2011.

FURTHER BE IT RESOLVED, That any amount of PPTRA relief not used within the County of Montgomery's Fiscal Year shall be carried forward and used to increase the funds available for personal property tax relief in the following Fiscal Year.

ISSUE/PURPOSE: Establish personal property tax relief percentage.

JUSTIFICATION: Each year, the County establishes a tax relief percentage based on the amount of state funding proportional to the tax levy on qualifying motor vehicles. Last year, the relief percentage was 56.94%. This year, the total personal property value is more than the prior year. Therefore, the relief percentage has decreased to 54.16%.

**B. SUBJECT: RESOLUTION ACCEPTING THE
CONVEYANCE FROM THE MONTGOMERY
COUNTY SCHOOL BOARD OF THE
ELLISTON-LAFAYETTE ELEMENTARY
SCHOOL PROPERTY**

**R-FY-12-
RESOLUTION ACCEPTING THE CONVEYANCE FROM
THE COUNTY SCHOOL BOARD OF MONTGOMERY COUNTY
OF THE ELLISTON-LAFAYETTE ELEMENTARY SCHOOL PROPERTY**

WHEREAS, The County School Board of Montgomery County (the "School Board") adopted a Resolution on April 14, 2011, declaring the Elliston-Lafayette Elementary School Property ("the Property") surplus to its needs and authorized the conveyance of the Property to the Board of Supervisors; and

WHEREAS, The School Board has requested the Board of Supervisors to be able to use the proceeds if the Board of Supervisors sells the Property as a portion of the funding for the new Auburn High School, the new Blacksburg High School and the renovation of the existing Auburn High School for use as the new Auburn Middle School ("School Capital Projects"); and

WHEREAS, The Board of Supervisors desires to accept the conveyance of the Elliston-Lafayette Elementary School Property from the School Board and if the Property is sold to authorize the School Board to use the net proceeds from the sale after the County is reimbursed for its costs of selling the Property as a portion of the funding for the School Capital Projects.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby authorizes James D. Politis, Chair, to accept from the School Board on behalf of the Board of Supervisors the conveyance of the Elliston-Lafayette Elementary School Property; and

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that should the Board of Supervisors sell the Property, the Board of Supervisors hereby authorizes the School Board subject to future appropriation, to use the net proceeds from the sale after the County is reimbursed for its costs of selling the Property as a portion of the funding for the School Capital Projects.

ISSUE/PURPOSE: Resolution accepting the conveyance of the Elliston-Lafayette Elementary School Property.

JUSTIFICATION: The Montgomery County School Board by resolution declared the Elliston-Lafayette Elementary School Property surplus and authorized the conveyance of the Property to the Board of Supervisors. See TAB **D** for a copy of the deed.

**C. SUBJECT: APPOINTMENTS – MONTGOMERY
TOURISM ADVISORY COUNCIL**

**R-FY-12
APPOINTMENTS
MONTGOMERY TOURISM ADVISORY COUNCIL**

WHEREAS, Montgomery County has entered into a Cooperative Agreement entitled “Organization Cooperative Agreement between Montgomery County and the Towns of Blacksburg and Christiansburg for the Creation and Implementation of a Joint Tourism Program; and

WHEREAS, Section 4 of the Cooperative Agreement requires that an advisory council be created which shall provide guidance to the operating board and tourism staff in the development and implementation of an ongoing tourism program; and

WHEREAS, This advisory council shall be known as the Montgomery Tourism Development Council (MTDC) and shall be advisory in nature, and shall assist with the elements and components required to maintain the tourism program; and

WHEREAS, The MTDC shall consist of nine members, with the Board of Supervisors, the Blacksburg Town Council, the Christiansburg Town Council, and the Montgomery County Chamber of Commerce each making one appointment, with the remaining five appointments being joint appointments approved by the three localities; and

WHEREAS, These five appointees shall be owners, operators, or employees from local hotels, restaurants, and attractions; and

WHEREAS, The members of the MTDC shall serve terms of office of two years, except the initial term for three of the committee appointees and the Board of Supervisors representative shall be for one year to ensure that all terms do not expire at the same time.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors hereby agrees to designate the joint appointments of Scott Sink and Tom Norman to be for two-year terms, and the joint appointments of Kathy Drummond, Zack Kennedy, and Connie Hale to be for one-year terms, subject to the Town Councils of Blacksburg and Christiansburg making the same term designations.

BE IT FURTHER RESOLVED, By the Board of Supervisors that the effective dates for the above listed appointees are as follows:

<u>Appointment</u>	<u>Effective Date</u>	<u>Expiration Date</u>
Scott Sink	August 23, 2011	August 22, 2013
Tom Norman	August 23, 2011	August 22, 2013
Kathy Drummond	August 23, 2011	August 22, 2012
Zack Kennedy	August 23, 2011	August 22, 2012
Connie Hale	August 23, 2011	August 22, 2012

BE IT FURTHER RESOLVED, By the Board of Supervisors, that the Board of Supervisors hereby appoints James D. Politis as the Board of Supervisors representative effective August 23, 2011 and expiring August 22, 2012.

ISSUE/PURPOSE: Appoint five members to the MTDC who are owners, operators, or employees from local hotels, restaurants, and attractions and appoint one member who is a member of the BoS.

JUSTIFICATION: Section 4(b) of the Cooperative Agreement titled "The Montgomery Tourism Development Council (MTDC) stipulates that the MTDC shall consist of nine members, with the Board of Supervisors, the

Blacksburg Town Council, the Christiansburg Town Council, and the Montgomery County Chamber of Commerce each making one appointment, with the remaining five appointments being joint appointments approved by the three localities; These appointees are to be owners, operators, or employees from local hotels, restaurants and attractions.

**D. SUBJECT: PROCLAMATION – NATIONAL DAY OF
REMEMBRANCE ON THE 10TH
ANNIVERSARY OF SEPTEMBER 11TH**

**R-FY-12-
NATIONAL MOMENT OF REMEMBRANCE ON THE 10TH
ANNIVERSARY OF SEPTEMBER 11TH**

WHEREAS, The Board of Supervisors of Montgomery County, Virginia expresses their support of the United States Senate regarding coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 1:00 p.m. Eastern Daylight Time on September 11, 2011, in remembrance on the 10th anniversary of the terrorist attacks committed against the United States on September 11, 2001; and

WHEREAS, At 8:46 a.m. on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City; and

WHEREAS, 17 minutes later at 9:03 a.m., hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center; and

WHEREAS, At 9:37 a.m., the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, the impact of which caused immediate and catastrophic damage to the headquarters of the Department of Defense; and

WHEREAS, At approximately 10:00 a.m., the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and in doing so, gave their lives to save countless others; and

WHEREAS, Nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001; and

WHEREAS, Countless fire departments, police departments, first responders, governmental officials, workers, emergency medical personnel, and volunteers responded immediately and heroically to those horrific events; and

WHEREAS, The Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history; and

WHEREAS, The Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history in a single day; and

WHEREAS, The New York Police Department suffered 23 fatalities as a result of the terrorist attacks; and

WHEREAS, The impact of that day on public health continues through 2011, as nearly 90,000 people are at risk of, or suffering from, negative health effects as a result of the events of September 11, 2001, including 14,000 workers and 2,400 community residents who are sick, and tens of thousands of others whose health is being monitored; and

WHEREAS, 10 years later, thousands of men and women in the United States Armed Forces remain in harm's way defending the United States against those who seek to threaten the United States; and

WHEREAS, On the 10th anniversary of this tragic day, the thoughts of the people of the United States are with all of the victims of the events of September 11, 2001 and their families; and

WHEREAS, The lives of Americans were changed forever on September 11, 2001 when events threatened the American way of life; and

WHEREAS, In 2009 Congress and the President joined together to designate September 11 as a National Day of Service and Remembrance under the Serve America Act; and

WHEREAS, September 11 will never, and should never, be just another day in the hearts and minds of all people of the United States.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia

- 1) ***hereby recognizes September 11, 2011 as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a Nation; and***

- 2) *offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001 terrorist attacks; and*
- 3) *honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, state and local officials, volunteers, and countless others who aided the innocent victims of those attacks and in doing so, bravely risked and often gave their own lives; and*
- 4) *recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, homeland security and law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend the security of the United States; and*
- 5) *reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001 and will work tirelessly to defeat those who attacked the United States.*

BE IT FURTHER RESOLVED, That on the 10th anniversary of this tragic day in United States history, the Board of Supervisors of Montgomery County calls upon all of the people and institutions of the United States to observe a moment of remembrance on September 11, 2011, including (i) media outlets; (ii) houses of worship; (iii) military organizations; (iv) veterans organizations; (v) airlines, (vi) airports; (vii) railroads; (viii) sports teams; (ix) the federal government; (x) state and local governments; (xi) police, fire, and other public institutions; (xii) educational institutions; (xiii) businesses; and (xiv) other public and private institutions.

BE IT FURTHER RESOLVED, That the Board of Supervisors of Montgomery County encourages the observance of the moment of remembrance to last for 1 minute beginning at 1:00 p.m. Eastern Daylight Time by ceasing all work or other activity, to the maximum extent practicable, and marking the moment in an appropriate manner, including by ringing bells, blowing whistles, or sounding sirens.

ISSUE/PURPOSE: Adopt a resolution joining the National Moment of Remembrance on the 10th Anniversary of September 11th.

JUSTIFICATION: United States Senator Frank Lautenberg of New Jersey received unanimous support for his resolution to stop and remember those we lost in the September 11th attacks. Both Senator Lautenberg and NACo are asking all our counties to participate and pay tribute to those we lost.

XV. COUNTY ATTORNEY'S REPORT

XVI. COUNTY ADMINISTRATOR'S REPORT

XVII. BOARD MEMBERS' REPORTS

1. Supervisor Creed
2. Supervisor Perkins
3. Supervisor Brown
4. Supervisor Biggs
5. Supervisor Marrs
6. Supervisor Muffo
7. Supervisor Politis

XVIII. OTHER BUSINESS

XIX. ADJOURNMENT

FUTURE MEETINGS

Special Joint Meeting
with the Towns of Blacksburg and Christiansburg
Elliston Volunteer Fire Department
Monday, August 29, 2011
6:00 p.m.

Regular Meeting
Monday, September 12, 2011
6:00 p.m. Closed Meeting
7:15 p.m. Regular Meeting